

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)
) Administrative Order
ADM Countrymark, Inc.)
Toledo, Ohio) EPA-5-02-113(a)-OH-03
)
Proceeding Under Section)
113(a)(3) of the)
Clean Air Act,)
42 U.S.C. §§ 7413(a)(3))
_____)

Administrative Order

The Director of the Air and Radiation Division, United States Environmental Protection Agency (U.S. EPA), Region 5, is issuing this Administrative Order (Order) to ADM Countrymark, Inc. (Countrymark) at 1301 Miami Street, Toledo, Ohio, under Section 113(a)(3) of the Clean Air Act (Act), 42 U.S.C. §§ 7413(a)(3).

STATUTORY AND REGULATORY BACKGROUND

1. Section 110 of the Act, 42 U.S.C. § 7410, requires each State to adopt and submit a plan which provides for the implementation, maintenance, and enforcement of any national primary or secondary standard established pursuant to Section 109 of the Act, 42 U.S.C. § 7409. These plans are required to include enforceable emission limitations, control measures, schedules for compliance, and permit programs for new sources.
2. Section 110(n)(1) of the Act, 42 U.S.C. § 7410(n)(1), provides that any provision of any applicable implementation plan that was approved or promulgated by the Administrator pursuant to Section 110, as in effect prior to November 15, 1990, shall remain in effect as part of such applicable implementation plan.
3. Pursuant to Section 110 of the Act, 42 U.S.C. § 7410, the Administrator approved Ohio Administrative Code (OAC) Chapter 3745-35 as part of the federally enforceable SIP on June 10, 1982 (47 Fed. Reg. 25144). The approval became effective on July 12, 1982.
4. OAC 3745-35-02 provides that no person may cause, permit, or allow the operation or other use of any air contaminant source without applying for and obtaining a Permit to Operate (PTO) from the Ohio Environmental Protection Agency in accordance with the requirements of this rule.

Findings

5. At the Toledo, Ohio facility (the facility), Countrymark operates a grain terminal that handles and stores corn, soybeans, and wheat. The grain is then shipped to its destination either by rail, truck, or ship.
6. Countrymark owns and operates Plant Roadways & Parking Areas with Control (F001) at the facility. Countrymark had a PTO for this emission unit until April 11, 1997, but failed to renew the PTO. Countrymark does not have a current PTO for this unit.
7. Countrymark owns and operates 8 Shiploading Spouts - South Dock (F002) at the facility. Countrymark had a PTO for this emission unit until September 1, 1997, but failed to renew the PTO. Countrymark does not have a current PTO for this unit.
8. Countrymark owns and operates a Rail/Truck Loadout (F005) at the facility. Countrymark had a PTO for this emission unit until September 15, 1997, but failed to renew the PTO. Countrymark does not have a current PTO for this unit.
9. Countrymark owns and operates a Column Grain Dryer (F007) at the facility. Countrymark had a PTO for this emission unit until September 16, 1996, but failed to renew the PTO. Countrymark does not have a current PTO for this unit.
10. Countrymark owns and operates a Ship Loadout (P004) at the facility. Countrymark had a PTO for this emission unit until April 1988, but failed to renew the PTO. Countrymark does not have a current PTO for this unit.
11. Countrymark owns and operates a Truck Dump with a Fabric Filter (P901) at the facility. Countrymark had a PTO for this emission unit until September 15, 1997, but failed to renew the PTO. Countrymark does not have a current PTO for this unit.
12. Countrymark owns and operates a Truck Dump with a Fabric Filter (P902) at the facility. Countrymark had a PTO for this emission unit until September 15, 1997, but failed to renew the PTO. Countrymark does not have a current PTO for this unit.
13. Countrymark owns and operates a Truck Dump with a Fabric Filter (P903) at the facility. Countrymark had a PTO for this emission unit until December 17, 1995, but failed to renew the PTO. Countrymark does not have a current PTO for this unit.

14. Countrymark owns and operates a Rail Dump & Loadout with a Fabric Filter (P904) at the facility. Countrymark had a PTO for this emission unit until December 17, 1995, but failed to renew the PTO. Countrymark does not have a current PTO for this unit.
15. Countrymark owns and operates a Ship Loadout (P905) at the facility. Countrymark had a PTO for this emission unit until December 17, 1995, but failed to renew the PTO. Countrymark does not have a current PTO for this unit.
16. As detailed above, Countrymark operated and continues to operate the above-enumerated sources at the Toledo terminal, without a Permit To Operate in violation of OAC 3745-35-02 and Section 110 of the Act, 42 U.S.C. § 7410.

IT IS HEREBY ORDERED THAT:

17. As of the effective date of this Order, Countrymark shall achieve, demonstrate, and maintain continuous compliance with OAC 3745-35-02 at the Toledo, Ohio facility.
18. Countrymark shall provide a certification stating that permit applications for each of the emission points, described in paragraphs (6) through (15) above, have been submitted to Ohio Environmental Protection Agency and the date they were submitted.
19. Countrymark shall provide notice to U.S. EPA, in accordance with paragraph (20) below, when each PTO is issued and the date of issuance. This must be complete within one year from the date of receipt of this Order.
20. All reports/notifications, and all other information required by this Order, shall be submitted to:

George Czerniak, Chief
Air Enforcement and Compliance Assurance Branch
United States Environmental Protection Agency
Region 5, Mail Code (AE-17J)
77 West Jackson Boulevard
Chicago, Illinois 60604
Attn: Sara Dauk

With a copy to:

Karen Granata, Administrator
City of Toledo
Division of Environmental Services
348 South Erie Street
Toledo, Ohio 43602
Attn: Pam Barnhart

General Provisions

21. Countrymark shall submit a signed letter of intent to comply with this Order, within 3 business days of its receipt of this Compliance Order. Such notice shall be mailed to the address listed below:

Compliance Tracker - AE-17J
U.S. Environmental Protection Agency, Region 5
Attn: Sara Dauk
Air and Radiation Division
77 West Jackson Boulevard
Chicago, Illinois 60604
22. Failure to comply with the terms of this Order may subject Countrymark and its owner(s) to civil penalties and/or further enforcement action under Section 113 of the Act, 42 U.S.C. § 7413.
23. Any information submitted in response to this request may be used by U.S. EPA in support of an administrative, civil, or criminal action against Countrymark. Knowing submittal of false information to U.S. EPA, in response to this request, may be actionable under Section 113(c)(2) of the Act, 42 U.S.C. § 7413(c)(2), as well as 18 U.S.C. § 1341.
24. Nothing contained in this Order shall affect the responsibility of Countrymark to comply with all applicable Federal, State or local laws or regulations, including other applicable provisions of 40 C.F.R. Part 82.
25. Nothing in this Order shall be construed to prevent or limit U.S. EPA's authority to collect penalties and pursue appropriate relief under Sections 113(b) and 113(d) of the Act, 42 U.S.C. §§ 7413(b) and 7413(d).
26. This Order is not subject to the Paperwork Reduction Act, because it seeks collection of information in an administrative action, or investigation involving U.S. EPA and specific individuals or entities.

27. Section 113(a)(4) of the Act, 42 U.S.C. § 7413(a)(4), states that an Order shall not take effect until the person to whom it is issued has had an opportunity to confer with U.S. EPA about the alleged violation. Therefore, U.S. EPA is giving Countrymark an opportunity to confer with U.S. EPA concerning this Order. Countrymark may schedule a conference with U.S. EPA by calling Ms. Sara Dauk, at (312)886-0243 within five (5) days of Respondent's receipt of this Order.
28. This Order shall expire one year from the effective date, if Countrymark has complied with all of its terms.

2/13/02
Date

Enclosure

Bharat Mathur
Bharat Mathur, Director
Air and Radiation Division

CERTIFICATE OF MAILING

Re: Administrative Order at ADM Countrymark, Inc., Toledo, Ohio

I, Betty Williams, do hereby certify that an Administrative Compliance Order Pursuant to the Clean Air Act was sent by Certified Mail, Return Receipt Requested, to:


Michelle Bublitz,
ADM Countrymark, Inc.
P.O. Box 1470
Decatur, Illinois 62525

I also certify that a copy of the Administrative Compliance Order Pursuant to the Clean Air Act was sent by First Class Mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
1600 Watermark Drive
P.O. Box 1049
Columbus, Ohio 43216-1049

Karen Granata, Administrator
City of Toledo
Division of Environmental Services
348 South Erie Street
Toledo, Ohio 43602

on the 13th day of February, 2002.


Betty Williams, Secretary
AECAS (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 70993400 00009586 4297